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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LARRY GENE TILCOCK,)

9 Plaintiff,)

10 vs.)

11 MICHAEL BUDGE,)

12 Defendant.)

3:03-cv-00037-RCJ-RAM

13 **ORDER**

14 In 2006, the Hon. Edward C. Reed denied Petitioner Larry Gene Tilcock's First Amended
15 Petition for Writ of Habeas Corpus ("FAP") under 28 U.S.C. § 2254 and granted Petitioner a
16 certificate of appealability. In 2008, the Court of Appeals affirmed in part, reversed in part, and
17 remanded, ordering the Court to hold an evidentiary hearing as to Petitioner's claim of
18 ineffective assistance of counsel with respect to trial counsel's failure to object to evidence of
19 prior convictions at sentencing. Upon remand, Judge Reed held the required hearing in 2009,
20 found no ineffective assistance at sentencing, and denied a certificate of appealability. The Court
21 of Appeals affirmed denial of appealability, and the Supreme Court denied certiorari. In 2013,
22 Petitioner asked Judge Reed to reconsider his denial of the FAP upon remand as to certain claims
23 under grounds 7, 11, and 12. The case was transferred to this Court, and the Court denied the
24 motion. Plaintiff has filed a motion asking the Court to reconsider that denial and for a
25 certificate of appealability. The Court denies the motions. As in his previous motion to

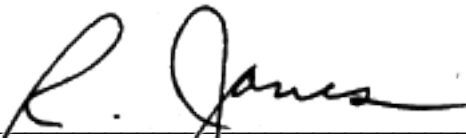
1 reconsider, Plaintiff asks the Court to reconsider certain ineffective assistance of counsel claims
2 under grounds 7,11, and 12 of the FAP. The Court of Appeals, however, affirmed Judge Reed's
3 denial of those claims.

4 **CONCLUSION**

5 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 108) and the
6 Motion for a Certificate of Appealability (ECF No. 109) are DENIED.

7 IT IS SO ORDERED.

8 DATED this 30th day of July, 2013.

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11 ROBERT C. JONES
12 United States District Judge
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